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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/722,500

11/28/2000

Michael Stumm

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7590

01/13/2004

PATENT ADMINSTRATOR
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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/13/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,500

Applicant(s)

HEIDE ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 10/20/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35, 39-52, 54-56, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35, 39-52, 54-56, 59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-11, 17-26, 32-35, 39-45, 49-52, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/41406.

Regarding claim 1, Willehadson teaches the steps of: a network for carrying communications between subscribers (Abstract, line 1 and Fig. 4, Agent-A 400 and Agent-B 410); a plurality of terminal agents (Agent-A 400, Agent-B 410) executing on the network, terminal agent for managing communications with that terminal according to that terminal's capabilities (page 4, lines 14-18); a plurality of subscriber agents ("profile") executing on the network (Fig. 4, N1-N5), such that for each subscriber there is at least one uniquely associated subscriber agent, each said subscriber agent being configurable to point to at least one of said terminal agents such as: Telephone 440, Fax 445, Terminal 450, Mobile 455, and Pager 460, such that a subscriber can establish a communication over said network from a terminal associated with a terminal agent pointed to by that subscriber's subscriber agent (page 3, lines 6-18, Fig. 5, and page 10, lines 1-15). Furthermore, it would have been obvious that from Figure 4 Willeheadson teaches that Agent-A represents one terminal, for example, Telephone 425 associated with Agent-A or Fax 430 associated with Agent-A or Terminal 435

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associated with Agent-A; and Telephone 425 is not associated with Agent-B nor Fax 430 nor Terminal 435.

Claim 2 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Willehadson teaches computer software/agent designed to perform action automatically for the users. However, Willehadson does not specifically suggest subscriber line interfaces for connection to the terminals, a network interface for connection to the network; a controller interconnecting the subscriber line interfaces and the network, the controller being operable to execute the terminal agents and the subscriber agents. It would have been obvious to one of ordinary skill in the art that there would be at least a subscriber line for connection between agent-A and telephone 425, or fax 430, or terminal 435; and the network interface for connection between terminals in 415 and networks N1-N5 in order to conduct a communication over the network, and agent-A can communicate with one of the terminals via the subscriber line.

Regarding claims 3-9, 18-24, and 39-45 Willehadson teaches the terminal is a telephone 425, a telephone having a graphical display (page 10, lines 6-8), a wireless telephone/mobile 455, and a pager 460. However, Willehadson does not suggest a personal digital assistant, a voicemail server, a personal computer, and a point-of-purchase terminal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mentioned above terminals in Willehadson's system in order to have a wide variety of terminals.

Regarding claims 10, 11, 25, and 26, Willehadson teaches the network is the PSTN ("network N1"), the Internet/packet switched data network N3.

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Claim 17 is rejected for the same reasons as discussed above with respect to claims 1 and 2. Furthermore, Willehadson teaches a software structure executable ("software agent").

Regarding claim 32, Willehadson teaches the steps of: receiving a request to establish the call with the subscriber ("user A sends a request to his agent indicates that he wants to communicate with user B"); connecting the call ("user B accept the call") to the terminal associated with the selected terminal agent based upon behavior criteria with which said subscriber agent is programmed (page 5, lines 9-15). However, Willehadson does not teach selecting a terminal agent uniquely associated with a single terminal. It would have been obvious to one of ordinary skill in the art that if a terminal agent associates with a mobile telephone terminal would also be able to associates with a pager terminal.

Claim 33 is rejected for the same reasons as discussed above with respect to claim 32. Furthermore, Willehadson teaches if the restrictions permit use of the terminal by the subscriber ("profile of whereabouts 110 TIME and PRIORITIES"), then modifying a subscriber agent uniquely associated with the identified subscriber so that it points to the terminal agent (page 7, lines 20-25).

Regarding claim 34, Willehadson teaches the screening lists 115 are used together with the profile 110 ("subscriber agent") in call screening ("calling features") (page 7, lines 14-19).

Claim 35 is rejected for the same reasons as discussed above with respect to claims 1, 33, and 34.

Regarding claim 49, Willehadson teaches the subscriber is an individual ("user A or user B").

Regarding claims 50-52, and 54-56, Willehadson teaches the subscribers are two parties (Abstract, line 1), therefore, it would have been obvious the parties are groups of persons wherein the group is a corporation, a technical assistance center, a collection of network operators, or a '911' call center. Furthermore, an agent can extend to a group of agents or a technical assistance center/call center.

3. Claims 12-16, 27-31, 46-48, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/41406 in view of Sheinbein (U.S. Patent 4,277,649).

Regarding claims 12-16, 27-31, 46-48, 59 and 60, Willehadson does not teach the subscriber agent includes the subscriber's name, subscriber's telephone number, a set of calling features are accessible by the subscriber include at least one of caller-id, call waiting, speed calling, call privacy, visual call waiting, and call forwarding.

Sheinbein discloses a method and apparatus for screening incoming telephone calls by using switching office 100 that comprises a central processor 108. The system provides customized treatment based on the identity of the calling line ("caller ID which includes subscriber's name").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of providing customized treatment based on the caller ID, as taught by Sheinbein, in Willehadson's system in order to have a better system.

Response to Arguments

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4. Applicant's arguments with respect to claims 1-35, 39-52, 54-56, and 59-60 have been considered but are not persuasive.

Applicant's arguments are addressed in the above claims rejections.

Applicant argues that Agent-A cannot be a claimed terminal agent because it represents more than one terminal. Examiner respectfully disagrees. Willeheadson teaches (Fig. 4) that Agent-A represents one terminal, for example, Telephone 425 associated with Agent-A or Fax 430 associated with Agent-A or Terminal 435 associated with Agent-A; and Telephone 425 is not associated with Agent-B nor Fax 430 nor Terminal 435.

Applicant further argues^{ment} that "each claimed terminal agent represents only one terminal" is not in independent claims 1, 2, and 17. On the other hand, Figure 4 reads on claimed 1, 2, and 17 "...for each terminal there is a single uniquely associated terminal agent..."

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
January 6, 2004



AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700